

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

S. JAIN for herself, and as parent of and for her son "A", a minor, )  
)

Plaintiff, )  
)

v. )

Case No. 17-cv-00002

BUTLER ILLINOIS SCHOOL DISTRICT 53, )  
THE BOARD OF EDUCATION OF THE )  
BUTLER ILLINOIS SCHOOL DISTRICT 53, )  
LOU PASKALIDES, in his official capacity, )  
RAJIV ADVANI, in his official capacity, TODD )  
RUSTENBERG, in his official capacity, )  
HITESH PATEL, in his official capacity, ALAN )  
HANZLIK, in his personal and official capacity, )  
ALAN KUMAR, in his official capacity, HEIDI )  
I. WENNSTROM, in her personal and official )  
capacities, KELLY VOLIVA, in her persona and )  
official capacities, LIBBY MASSEY, )  
CAROLINE ROSELLI, and ATTORNEY DOE, )  
)

Judge: Ronald Guzman

Magistrate Judge: Sidney I. Schenkier

Defendants. )  
)

**SUPPLEMENTAL STATUS REPORT**

Defendants, Libby Massey ("Massey") and Caroline Roselli ("Roselli"), by their attorneys, Matthew R. Henderson and Katherine G. Schnake, and for their Supplemental Status Report regarding the outstanding privilege issues state:

1. On July 18, 2017, by agreement of the parties, Massey and Roselli submitted their revised Privilege Log. Defendants declined to follow Plaintiffs' suggestion that they produce the privileged documents to Plaintiffs' counsel, Richard Caro, so that he could determine whether the documents were privileged.

2. On July 31, 2017, this Court requested the parties file a supplemental joint report stating: 1) the total number of documents they wish to submit for in camera review; 2) the number of documents on the log plaintiff challenges beyond those they wish to submit for in

camera review; and 3) the bases on which they selected certain documents for in camera review. Doc. #102.

3. After reviewing the Privilege Log, Mr. Caro identified 289 documents he would like to be submitted for in camera review for privilege. Mr. Caro organized the 289 documents by the following categories: 1) Evidence for the cheating determination; 2) Notes from the interview of Plaintiff “A”, 3) Witnesses; 4) Communications between Massey, Roselli and other Robbins Schwartz attorneys with the School District; and 5) Revisions to Massey’s report. A copy of the list of categories and bates numbers requested by Mr. Caro is attached as Exhibit A.

4. Recognizing the burden of asking this Court to review 289 documents, Ms. Schnake, counsel for Massey and Roselli, requested Mr. Caro narrow the number of documents for in camera review. See the August 1, 2017 E-Mail from Ms. Schnake to Mr. Caro, attached as Exhibit A. Mr. Caro informed counsel that on August 2, 2017 he had an appointment and possible testing at the Cardiac Unit of his local hospital. See the August 1, 2017 E-Mail from Mr. Caro to Ms. Schnake, attached as Exhibit B.

5. Presumably due to his doctor’s appointment, Mr. Caro has been unable to provide to Ms. Schnake the bates numbers of any documents to eliminate from the group of 289 documents. Mr. Caro further has not provided the number of documents on the log Plaintiffs challenge beyond those they wish to submit for in camera review. During the break of his doctor’s appointments, Mr. Caro submitted an additional 25 documents for this Court to review. See the August 2, 2017 E-Mail from Mr. Caro, attached as Exhibit C. Defendants anticipate that Plaintiffs will provide the Court with the remaining information outlined in July 31, 2017 Order at a later date.

6. In light of the foregoing, Massey and Roselli will deliver a disc to this Court that contains the 289 documents originally identified by Mr. Caro, the newly added 25 documents identified by Mr. Caro, the Privilege Log and a Privilege Log ledger that identifies the name and title of every person identified in the Privilege Log. The disc will be delivered to the Court by close of business on August 2, 2017.

7. In the alternative, and at the Court's request, should this Court decide that it is an inefficient allocation of the Court's resources to review all 314 documents, the Defendants will chose a sampling of the 314 document and submit a subsequent disc for the Court to review.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

/s/ Matthew R. Henderson

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2017, I electronically filed the above pleading with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

Counsel for Defendants,

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